

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

HEE JIN LOWERY and )  
JOHN LOWERY, Individually, and )  
as Assignees of Shou & Shou, Inc., )

Plaintiffs, )

v. )

Case No.: 1:20-cv-05148-TWT

AMGUARD INSURANCE )  
COMPANY, )

Defendant. )

**NOTICE OF INTENT TO ABANDON BAD FAITH CLAIM**

COME NOW, Hee Jin Lowery and Joh Lowery, Plaintiffs herein, and file their notice of intent to abandon claim as follows:

1.

On September 14, 2022, the Court entered its opinion and order granting Plaintiffs' Motion for Partial Summary Judgment and denying Defendant's Motion for Summary Judgment. (Doc. 92)

2.

A sole issue left for determination is Plaintiffs' claim for bad faith penalties and attorneys' fees pursuant to O.C.G.A. § 33-4-6 as set forth in Count III of Plaintiffs' Amended Complaint. (Doc. 25, ¶¶54-58)

3.

Plaintiffs' elect to forego bad faith penalties and attorneys' fees and hereby abandon Count III of Plaintiffs' Amended Complaint seeking bad faith penalties and attorneys' fees pursuant to O.C.G.A. § 33-4-6.

4.

Contemporaneously herewith, Plaintiffs will file a motion requesting that the Court direct the clerk to enter final judgment pursuant to Federal Rule of Civil Procedure 58.

Respectfully submitted this 21<sup>st</sup> day of October 2022.

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Attorneys for Plaintiffs

**CERTIFICATE OF COMPLIANCE PURSUANT TO LOCAL RULE 7.1(D)**

Undersigned counsel certifies the foregoing brief has been prepared with  
Size 14 Times New Roman font and does not contain more than 10 characters per  
inch of type.

/s/ David P. Dekle  
David P. Dekle

**CERTIFICATE OF SERVICE**

This certifies the foregoing Notice of Intent to Abandon Bad Faith Claim was filed with the Clerk of Court and served upon opposing counsel of record by the Court's electronic filing system ("ECF") as follows:

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This 21<sup>st</sup> day of October 2022.

/s/ David P. Dekle  
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